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10/000,257

11/02/2001

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P1543US01

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08/27/2004

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EXAMINER

COLON, ROCIO

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,257

Applicant(s)

LIM ET AL.

Examiner

Rocio Colon

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 5, 7-11 and 13-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Billings et al. (USPN 6,411,458)

Regarding claims 1-3 and 9-11, Billings et al. disclose a method comprising :

scanning consecutive data wedges on a data storage medium for defects by transducing a readback signal from said wedges beginning at a wedge non-adjacent an angular index reference position and identifying a defect location on the medium from said readback signal (column 9, lines 10-12, the location of each data wedge is stored in the servo wedge that is associated with, making the scanning capable of starting at any data wedge on the disk), generating a multi-bit information record having at least one bit composing the address of a selected data wedge in which the defect location is disposed (column 10, lines 48-51), generating a second multi-bit information record having at least one bit composing an address of the defect location within the selected data wedge (column 10, lines 48-51).

Regarding claims 5 and 13, Billings et al. disclose the data storage medium comprises a rotatable magnetic recording disc (column 5, lines 1-4).

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Regarding claims 7 and 14, Billings et al. disclose subsequently formatting the data storage medium to form a plurality of user available data sectors in the data wedges for subsequent use in storing user data, wherein a user available data sector is not formed over the defect location identified during the scanning step (column 9, lines 14-19).

Regarding claims 8 and 15, Billings et al. disclose the data storage medium further comprises angularly spaced, radially aligned servo wedges (Fig. 3, elements 190A-190D) between which the data wedges are disposed (Fig. 3, elements 192), the servo wedges comprising servo fields that define a plurality of concentric tracks on the medium (Fig. 3, element 188), and wherein the scanning step further comprises sequentially positioning a data transducer to the next adjacent track and commencing scanning the data wedges thereon without waiting for the angular index reference position to reach the data transducer, and repeating until all of the plurality of concentric tracks on the data storage medium have been scanned (column 9, lines 10-12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Billings et al. (USPN 6,411,458) in view of Bliss (USPN 5,563,746).

Regarding claims 4 and 12, Billings et al. discloses the invention substantially as claimed. However, Billings et al. does not disclose the scanning step further comprises a prior step of writing a 2T oscillating pattern to the data wedges.

Bliss teaches this well known in the art, i.e., the scanning step further comprises a prior step of writing a 2T oscillating pattern to the data wedges (column 6, lines 49-51).

Billings et al. and Bliss are combinable because they are form the same field of endeavor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Billings et al. to the scanning step further comprises a prior step of writing a 2T oscillating pattern to the data wedges, as suggested by Bliss, in order to scan the disk for possible defects.

Regarding claim 6, Bliss further disclose generating a sequence of discrete time sample values from the readback signal (column 6, lines 65-66) and identifying the defect location in relation to said sequence (column 7, lines 47-50).

Response to Arguments

Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rocio Colon whose telephone number is (703) 305-3947. The examiner can normally be reached on Mon-Thu 8:00a.m.-6:30p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CV
TCV

August 18, 2004


SINH TRAN
PRIMARY EXAMINER